

Serial No. 09/650,118
Amdt. dated July 2, 2004
Reply to Office Action of April 29, 2004

Attorney Docket No. PF02054NA

REMARKS/ARGUMENTS

Claims 1, 3 through 11 and 13 through 18 remain in this application. Claim 13 has been amended in accordance with the Examiner's suggestion in the above Office Action.

Claims 1, 3 through 11 and 13 through 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,408,182 to Davidson, et al. ("Davidson, et al. patent") in view of U.S. Patent No. 6,192,232 to Iseyama ("Iseyama patent").

Claim 1 provides, *inter alia*, "at least one first communication device subscribed to a first class of service and at least one second communication device subscribed to a second class of service". Similarly, claim 10 provides, *inter alia*, providing service if a device subscribes to a first class of service and terminating service if the device subscribes to a second class of service. It is important to note that claims 1 and 10 require a device to subscribe to at least one of either a first class of service and a second class of service. In particular, the device must have a subscription-based relationship with the class or classes. The subscription information for the device may be stored in a database and persistently applied to the device. When the device requests service, e.g., requests a call, the system retrieves the subscription information from the database and based on the subscription information of the device provides or terminates the requested service. Note that providing or terminating does not depend on the type of the call.

As stated by the above Office Action, the Davidson, et al. patent fails to teach a plurality of communication devices that include at least one first communication device subscribed to a

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first class of service and at least one second communication device subscribed to a second class of service, among other things.

Likewise, the Iseyama patent does not describe or suggest any type of device that subscribes to at least one of either a first class of service and a second class of service. The Iseyama patent does not describe or suggest the existence of a subscription relationship between a devices and a class of service. In fact, the Iseyama patent describes all devices as having equal or similar priority. The Iseyama patent does describe different system behaviors that are triggered by different types of calls. For example, in FIG. 1 of the Iseyama patent, the Mobile Station 70 appears to be an ordinary MS, i.e., the Iseyama patent does not make any indication that the MS 70 is different from any other MS or subscribes to a different class of service. The MS 70, without belonging to any particular class of service, may exhibit a different system behavior by requesting a specific type of call. For example, col. 1, lines 27 through 30 describe an ordinary mobile station making a special kind of call; a request to connect an emergency call to a police station of a fire department. Hence, the service type described by the Iseyama patent is a property of the call, not a property of the device as required by claims 1 and 10. It should be additionally noted that col. 8, lines 61 through 64, of the Iseyama patent describes the capability of initiating calls of different degree of emergency by a single MS, thus teaching away from the requirements of claims 1 and 10. Therefore, claims 1 and 10 distinguish patentably from the Davidson, et al. patent, the Iseyama patent and the combination of these patents.

Also, the Davidson, et al. patent does not describe or suggest providing or terminating services from a backup device to a wireless device based on information obtained from a

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database. The databases (VLR and HLR) are only used to store relevant information about the wireless device that show how and where the device is serviced (col. 4, lines 6-14). Moreover, there is no indication in Davidson of providing or terminating service to a particular wireless device based on information retrieved from a database. The only text suggesting termination is in Col. 5, lines 44-46 where the BSC may clear existing connections. The decision of whether to terminate does not depend on subscription information or any other information from the database but on which MSC is being used for the call. Moreover, the termination is not done in a backup system component (backup MSC) nor the main system component (main MSC), but the termination is performed in a third, unrelated system component, namely the BSC. Therefore, claims 1 and 10 further distinguish patentably from the Davidson, et al. patent, the Iseyama patent and the combination of these patents.

Claims 3 through 9, 11 and 13 through 18 depend from and include all limitations of independent claims 1 and 10. Therefore claims 3 through 9, 11 and 13 through 18 distinguish patentably from the Davidson, et al. patent, the Iseyama patent and the combination of these patents for the reasons stated above for claims 1 and 10.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1, 3 through 11, and 13 through 18 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope

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of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

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Respectfully submitted,
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